

BEAVERCREEK CITY COUNCIL
REGULAR MEETING April 25, 2011 6:00 p.m.

PRESENT: Council Member Giambrone, Council Member Howard, Council Member Petrak, Council Member Vann, Council Member Wallace, Vice Mayor Jarvis, Mayor Hadley

ABSENT: None

Mayor Hadley called the meeting to order followed by roll call.

Council Member Giambrone led the pledge and a moment of reflection.

Council Member Petrak MOVED to approve the agenda, seconded by Council Member Howard. Motion PASSED by unanimous voice vote.

APPROVAL OF MINUTES

Council Member Vann MOVED to approve the minutes of the March 14, 2011 Regular Meeting, seconded by Council Member Petrak. Motion PASSED by unanimous voice vote.

Council Member Giambrone MOVED to approve the minutes of the March 21, 2011 Special Meeting, seconded by Council Member Howard. Motion PASSED by unanimous voice vote. (Petrak abstained)

Council Member Howard MOVED to approve the minutes of the March 21, 2011 Work Session, seconded by Council Member Wallace. Motion PASSED by unanimous voice vote. (Petrak abstained)

Council Member Wallace MOVED to approve the minutes of the March 28, 2011 Regular Meeting as amended, seconded by Council Member Giambrone. Motion PASSED by unanimous voice vote. (Vann abstained)

ORDINANCES, RESOLUTIONS, AND PUDS

Ordinance 11-10 9.5 Acres Park Overlook Agreement (Second Reading)

Clerk Lampton read an Ordinance declaring 9.5 acres of land located at the south end of Hibiscus Way in Beavercreek to be surplus property and no longer needed for municipal purposes; and authorizing the City Manager to enter into an agreement with Donald L. Huber or Assignee for sale of the property.

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Mr. McGrath stated the purpose of this ordinance was to declare the 9.5 acre park located at the south end of Hibiscus Way and north end of Spicer Drive as no longer needed for municipal services specifically related to park services. He explained this was a reaction to a proposal that had been brought forward to the City by the developer of the property and initial owner of the property who was seeking developmental approval in 1998. The property had been deeded to the City by Mr. Huber in 2006 as a result of parkland dedication in lieu of parkland fees. This was a one-time dedication of 9.5 acres of land to satisfy the requirements of parkland dedication as outlined in the subdivision regulations. Mr. McGrath explained the first reading of this ordinance was on April 11th, 2011 to discuss and see whether or not Council deemed this appropriate and move forward for consideration of public input. He explained the proper statutory requirements were to advertise in the local paper outlining the legal description of the ordinance for the second reading. He said he understood the sensitive nature of this project given its history through the PUD rezoning process. Therefore on Tuesday, April 12th, 2011 a mailer went out to residents within 500 feet of the PUD. Mr. McGrath apologized for the initial notice including a hearing date of August 25th, 2011 instead of the correct date of April 25th, 2011. A corrected notification went out immediately upon the discovery of the error. He said based on the neighborhood representation in the audience, it was an effective approach to notify everyone. He explained the notification mailed was above and beyond what was normally required for this situation which was only the legal advertisement in the local paper.

Mr. McGrath explained the development and initial zoning in 1998 was approved and regulated for maximum office density on the northern ten acre portion of the PUD and approved with a high number of multi-family residential units. He said as the project has evolved over the last thirteen years the City has worked with Mr. Huber as to what they think is a better mixed use for not only this PUD but for the area to keep it sustainable and vibrant. He said the new users in this location, Riverside Research, ATIC, Clark State University, SAIC are very well known defense contractors and help the area to thrive and support the other regional center activities. He stated there was a feeling of a well balanced mixture of residential, retail, restaurant, hospitality, as well as medical use and office development. Mr. McGrath said given the change in the nature of developments and lack of multi-family residential in this community and the high demand and high occupancy rates that exist in the community, Mr. Huber approached the City for an expansion of the 11.5 acres of land which is currently zoned for development of multi-family residential units. He explained the result in the change of the dynamic of the PUD was a lack of residential units to get to the 9.5 acre parkland dedication requirement. He said in 2006, it was anticipated,

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based on the current zoning and trends it would be close to Mr. Huber's residential development meeting a 9.5 acre parkland development dedication requirement. Mr. McGrath said the dynamics have changed for the better which had a direct impact on the number of acres of the land that were required to be dedicated per the subdivision regulations for parkland fees or parkland in lieu of fees. He said we were approached with the situation where Mr. Huber did dedicate the property in anticipation of satisfying the requirements and we were now in a situation where we foresee falling short. He explained per the parkland agreement effective 2007 the City would be obligated to purchase up to one acre at \$48,000 of that land should it fall short. He said it is anticipated that will fall short of that requirement. He explained an option was presented to the City as a result of the lack of need for land per the regulations to look at a possible sale of this property. He said there are things that need to be discussed and mitigated. He explained at the last meeting an ordinance was proposed to declare this parkland surplus with the requirement that when any contractor or sale there would be a 100 foot no-cut zone along the southern property line and minimum 50 foot no-cut zone along the eastern property line. He said some of the anticipated results of public input have made the City re-evaluate this to see what other options there could be based on some of the concerns that have been brought up. Mr. McGrath said this was looked at in terms of the money that would be generated from the sale of this land and earmarked as parkland capital improvement fund. He said the parkland capital improvement fund would recapture some of the money we gave away by dedicating or accepting the dedication of the 9.5 acres and put it into the fund in hopes of buying a park that would better serve people from a greater perspective. He said the 100 foot no-cut zone was not something that was looked at arbitrarily. The zoning code does require for any non-residential development or multi-family residential development abutting a single family residential development a 50 foot buffer area. He explained a 50 foot buffer area is typically green space area that does not have any parking or building within that area. He stated it is customary with some PUDs that are outside straight zoning district we go above and beyond some of the requirements when negotiating with the developers.

Mr. McGrath reviewed some of the potential amendments to the ordinance based on the public's concern. He said Spicer Drive would not be extended to the north through the proposed no-cut zone and the only access being considered is a bike path and pedestrian access. He said a 50 foot building setback requirement may be added to the 100 foot no cut zone area and another consideration is those buildings within 100 feet of the no-cut zone would not exceed two-stories in height. He explained the density requirement would be further regulated to not

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exceed six dwelling units per acre which is currently zoned for thirteen units per acre.

Mr. Thonnerieux explained from a park service area standpoint to consider a parcel for surplus they look at the service area maps. He said the maps reflect how the existing neighborhood parks impact the surrounding community. He displayed a view of the area that showed how a neighborhood is currently being served by parks with quarter mile and half mile service areas. Mr. Thonnerieux also displayed an area map that showed the many areas where there are unmet needs or proposed park service areas. He explained there are undeveloped parks that overlap into the unserved areas that could meet future needs but currently are not shown as existing service areas. Mr. Thonnerieux explained they looked at the current bike plan to ensure there is no impact to the bike plan. A bike path would definitely be considered to have in this area by it is not impacting any of the identified routes. He reviewed the three parks in this area; Spicer Heights Park located about one and one half blocks away from the existing service area, Royal Point Park on Park Overlook Drive and Gerspacher Park. He explained when they assess there is a need or an option to consider when a proposal is brought to them for the acquisition of parkland, the service area is considered very heavily and whether this area has been served by parks. Mr. Thonnerieux stated after reviewing the existing area, the bike plan and the unmet service area map and with the general support from the Park Board the current recommendation is that the property be considered by Council for surplus.

Public Input

Dwight Keller, 3690 Somerset Drive, explained that he has lived at this location for the last eleven years and his backyard backs up to the subject area. He asked the audience to raise their hands if they live in the Spicer Heights neighborhood. Clerk Lampton counted approximately fifteen hands. He then asked of those people how many were in support of the ordinance. Clerk Lampton saw no hands raised. Mr. Keller said in the week that he and Mr. Greg Ali had to bring this to the attention of their neighbors they walked around and knocked on doors. He stated in about three days they amassed 108 signatures opposed to the proposal. Mr. Keller handed the petition to the clerk. He said there were individuals who signed the petition who had never signed a petition in their adult life; they feel that strongly about this. He said he did not have any charts, master plans or formulas as to what is and is not sufficient parkland. He did say that as members of the City Council he agreed very much with the opening prayer and sentiments that civility is important. He thought acting as stewards of the people is very important. He said he moved into Spicer Heights

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in the summer of 1999 after he graduated from the Air War College and was assigned to Wright Patterson Air Force Base. He explained when he looked for his house he had three days to find one to due to his disabled wife and needed a ranch. He said the one house he found was backed up to a nature preserve. He had asked the realtor what was the status of this and she could not give him a direct answer. She said it had something to do with the City but it had not been finalized. He said he bought the house, moved in and talked to some of the neighbors to see if they could inform him of what was the status of this 9.5 acre track. He said he learned that Don Huber, who was a personal friend and an individual who is held in great esteem, had taken it upon himself to meet with some of the neighbors. Mr. Keller stated it was his understanding the meeting was in the pavilion of Spicer Heights Park. At that meeting he had indicated, he believed in Mr. Huber's own words as he had heard from a number of his own neighbors, he wanted to be a good neighbor.

Ann Keller, 3690 Somerset Drive, submitted her three minutes to Mr. Keller.

He continued that Mr. Huber very honorably indicated that they would try to work out an arrangement so that obviously his interest in trying to rezone the property that he owned that butted up to the acreage, at that time New Germany-Trebein Road would not impact the neighbors. Mr. Keller said that seemed like an honorable and a very generous offer. These same neighbors had gone to a Council meeting in the 1999 time frame and were told by the City Council members at that time that this was a permanent solution. This would be set aside. The neighbors counted on that. As time goes on, contrary to Mr. McGrath, the deed was not given to the City in 2006. For whatever reason, it took upwards of eight years for Mr. Huber to finally get around to give a deed of title to this land. As a matter of fact it was signed on May 22nd, 2007. Now why on earth it took that long, I do not know. With the ordinance which uses the language that apparently this is now considered surplus property, no longer needed for municipal purposes, I asked the Council, I asked the planning department, what on earth has happened over the last four years that the property is no longer needed for municipal purposes. I also asked what was the purpose of originally accepting the deed in May of 2007, what has changed and how has this become surplus. In our community how on earth can we have surplus green space? I am at a loss as to the logic of that. I have also asked and discussed this issue with the parks department and have also talked and discussed this with the planning department. It is my understanding that as a result of those conversations that if and indeed this arrangement, and I use that term lightly with Mr. Huber goes through, the out words of \$750,000; the question is what is to become of this money? I am told this is to be put into a park capital

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fund and I inquired what does this mean. I am informed that this money is to be used to buy additional parkland. So as a resident of Spicer Heights, I'm left with the obvious conclusion that apparently the City fathers and mothers and the City agencies apparently do not value the interest of the Spicer Heights residents as much as apparently other residents where they are going to buy parkland in other parts of the city. Obviously, the residents are not happy. The residents, contrary to Mr. McGrath's assurance have not coordinated with, have not been asked and really the letter that came in the mail, with admittedly, again mistakes do occur, the wrong date for the hearing of August 25th, upset people. The residents of Spicer Heights are unhappy and I think they have a legitimate reason. They were given firm assurances. Whether or not they were legal assurances, I don't know, but certainly assurances that go back upwards of twelve or thirteen years that this property was going to be kept as it is and it is important. We do need nature preserves in this city. Another item came in my mailbox indicating that our cities are bursting at the seam. Do we actually need more development? Do we even know what on earth this property is going to be used for?

Marvin Nephew, 2459 North Tulane Drive submitted his three minutes to Mr. Keller.

The bottom line Mr. Mayor and City Council Members is this is a unique situation. The common situation is you have a private landowner coming in wanting to use and develop his property. Very commonly the local neighbors are upset and in opposition. That's not the situation. This is city owned land. The people own it and as stewards of the people we ask that the land be left as is. Mr. Huber and the other developers can do what they want with their land, I personally might not agree with it but still this is city land. That is a key distinction and I would hope that members of the City Council, representatives of the people, would respect that. When we went knocking on doors a neighbor on Somerset Drive, who I had asked for her signature and she gave, I laid out the proposal and asked if she was going to come tonight prepared to speak. She said she'll come but she won't speak. I asked why not. She said she was just a little person; no one cares about her opinion. I would hope that when all is said and done that indeed the Council does care about the little people, the people of Spicer Heights that love very dearly this 9.5 acres. It's not just a bunch of green ink on a power point slide. It is part of our home. We love it dearly and we sincerely ask that this property be left as a nature preserve as it had been promised not only by Mr. Huber but also by your predecessors of this body twelve, thirteen years ago.

Robert Marcischak, 2469 North Tulane Drive, said he has been a resident in Spicer Heights for 33 years. He said he thought Mr. Keller had given a good

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oversight of how the residents at this time feel. Mr. Marcischak said his intent of giving comments here would be coming from the board meeting of the trustees of the association at Spicer Heights who want to understand the situation and exactly what is going to happen. They want to be sure whatever agreement comes to be they want to be able to say they all had a part in it and go from there. He wanted to give the opportunity to respond to the proposed resolution from the perspective of the single family homeowners in Spicer Heights. He stated they end up paying a lot more in property taxes for Beavercreek's wellbeing and felt they wanted to look at maintaining a buffer as was indicated is supposed to happen by law. They want to be sure they understand who is there and whether or not they are supposed to be there. He explained they had two points of discussion – the homeowner versus multi-family which he did not feel there was much more to say there. If the reason you are taking down woods is to put some kind of recreational area they would love to see the plan for that. As of this time Spicer Heights has been a very positive valuable item for the City. We, in Spicer Heights have benefited from it, we love to go there. Our residents use it very often and outsiders do not use it often. We have not had any problems in the last few years. Mr. Marcischak explained that the wood acts as a noise barrier even though they can still hear I-675 from where they are. He explained when W.O. Wrights had outdoor music they could hear it over the trees. He stated they are used to having the woods act as a noise barrier and they want to keep it that way.

Patricia Nephew, 2459 North Tulane Drive submitted her three minutes to Mr. Marcischak.

Mr. Marcischak continued saying they want to work together with the city to understand what is going to happen. They want to be given time before any final decisions are made to understand and that it is a common agreement to whatever it might be. He said they were not aware of this happening until they received the letters with conflicting dates. He said moving the barrier back to 100 feet and knowing how much woods is there could be taken by the Wetlands Association because it is basically a swamp area back there. They want to be sure the area between New-Germany-Trebein Road and Kemp Road has enough recreational area that everybody can do their thing without having to cause any particular problems. He stated again that they want to work with the city officials. He recommended that they continue to talk within the Council's timeframe either through the trustees meetings, neighborhood meetings or both.

Frank Fechek, 4308 Kemp Road, said he comes at this at a little different perspective. He said there are three phrases that are common: make the tough

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decisions, lead us not into temptation, and vision of the future. This Council previously has spent many, many hours trying to save a tree in various developments and here we have 9.5 acres of trees that are almost virgin. This is maybe the time to say green space is really important in a lump. If you draw any circle, any diameter of all the green allocated spaces of the parkland within the City I'd submit quarter mile to half mile diameter circle at this location would cover more population or at least as much population per square foot, per square acre as any other park area in the City. He asked why have people go to a park five miles away when they would have access right next to them where there is a lot of multi-family development in this corner of the City. He said one thing that was not heard in the earlier presentation was the selling price of this land which he thought was a giveaway. The Ohio Dayton development land of 12.9 acres adjacent to this property has a land access value is \$77,572 per acre. The 2.2 acres of College Park South is valued at \$448,000 which the land value is \$147,000 per acre. The Beaver Creek Land Number One Limited which is ten acres is valued at \$1.5 million with land value of \$148,000 per acre. \$79,000 per acre is a give-a-way. I am surprised that I do not see anybody from Don Huber's organization coming up here and defending this proposal. Maybe he thinks it's a done deal.

Tim Madden, 3665 Somerset Drive, submitted his three minutes to Mr. Fechek.

Mr. Fechek continued by asking to remember what this land was forty years ago. He did. He had attended an auction at the farm and bought the corn crib that had been on this land. Using today's vision, what will it be forty years from now? Who can predict? He predicts that the second and third generations living in all these houses and multi-family developments will be getting on their solar powered electric scooters to go to some park. Or they will have walking distance to go to the park. Currently you build a 100 foot buffer around a development and you think you are going to trap those people into a little island. He did not think that was a vision of the future. The easy decision is to take the money and run. Spend it somewhere else. You'll buy a few more sliding boards. You'll buy a few more covered places. You'll put them someplace else and the money will be gone, the land will be gone and you'll never have it again. I think the tough decision is to keep the land. Keep it for the future. In 5 years ahead, 30 years ahead, 40 years ahead, the land will still be here and I think it would be an oasis for the northwest corner of our fair city. There is an expression that the pioneers used to use when they came to Ohio and it was never eat your seed corn. Things get tough you eat the dog. Things get tough you eat the chickens. Things get tougher you eat the horse. If they get very tough you eat the cow. If they still get tougher you make soup out of the horse harness but you never eat

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your seed corn. This land in the northwest corner of our fair city is Beavercreek's seed corn. I recommend you consider that in your deliberations.

Seoh Munsup, 3702 Somerset Drive, stated his backyard is right next to the land we are talking about. He said he was not a Native American and he had come from Korea many years ago. He explained about twenty-one years ago there were not many houses around that area and he decided to purchase his house after thinking more than half a year about having the American dream of having his own house. At that time, you buy a house your fortune would be doubled in thirty years. After he purchased the house he asked what that back area was. He was told by some builder there would be more built over there. He questioned how this would affect the price of his house. He was told it would go up but did not quite believe what the builder said but if it was going up then maybe it would be okay. Ten years later some builder came out to my house to discuss the lot and they had changed the zoning and promised there would be a small path. He had been reassured that it would be okay so he stayed there more than twenty years. At this point you are now changing once more. All other previous presenters have talked lots of factual facts but I am taken on my emotional feeling at this point. My question is now you have seen the presentation with the pictures and the road is blocked there. Next time you may think it would be better to connect that road beyond our residence where it is so quiet. Is that going to be your next proposal? That is my question.

Greg Ali, 3713 Somerset Drive, said he lives across the street from where the woods would be sold for Mr. Huber to redevelop to whatever he wants to build. He said he has been a longtime resident of Beavercreek since 1968. He has lived in different parts and moved into this house about nine years ago. He said it's a great place to live and enjoys looking at the woods. He said what he has noticed a lot is the children who like to go back there and play in the woods. More children are playing in those woods than in the parks. Every time I walk the dog around the neighborhood the park is empty and the children are playing in the woods. My children played back there; there has been a lot of use even though these woods have not been developed. The children find it a great place to go. Adults walk through there and it has been a natural cut way to go to the mall from our neighborhood. He said he would hate to see the woods go. He said he knew the City would like a 100 foot setback but we really need to keep the whole thing. He thought that was the reason you accepted the 9.5 acres to begin with because you could have forced Mr. Huber to give you the money for the park fees. He said you guys decided to take the land and he thought you should keep the land there as a nature preserve. He explained some of these trees are over 100 years old and they were not going to regrow very easily after

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you chop them down. He stated we need the green space and encourage the Council to maintain this land. He said if for some reason you do decide to sell this against the will of the people then do some kind of contract saying that road will never go through and also put it in writing to allow Mr. Huber to put a bike path through his property so people can walk through one neighborhood to the other.

Calvin Verity, 2498 Spicer Drive, stated in 1998 he stood here to ask you to consider to accepting Mr. Huber's offer. He said at that time you were transferring the population density of residential units that were going to border just to the north of his property and it was transferred further north so you could put in the multi- family properties that have been developed in that area now. He said they appreciated it at that time and have greatly enjoyed the woods. They enjoy that land, it's part of their home and it's part of the reasons why they live there. He said once again, from 1998 to now I ask you to consider living to the standard that we set then which was accept the land, leave it in its natural state and transfer the population density. He said you did it then and he asks you now to do the same so they can continue to enjoy that land with their neighbors and hopefully they can develop it with trails for more enjoyment.

Byoung Choi, 2491 Spicer Drive, stated he had been living in Beaver creek for about ten years and moved to his current address three years ago. He said he never realized until the staff presentation that there were that many parks in his area. He said all of those parks have no trees and is flat land. He said they need the trees and would like to keep them there. He felt even with the 100 foot buffer people would use it to throw their trash in. He said the 100 foot buffer needed to be wider to keep the green space. If it was wider with more space, people would be more apt to leave it alone and keep it green. They need that space.

Jim Corcoran, 3660 Somerset Drive, explained they moved in 2002 from Oakwood to Beaver creek. He said they had looked all over at different houses. He did not like Oakwood because it was jam packed and there was nobody there that you could associate with. He said he had three neighbors that he did not know for two years. He stated the last house they looked at was the house they live in now. He explained what drew them to the house was the woods behind it and the neighbors. He said he did not know what was going with just not Beaver creek, but everywhere. There is always talk about green but then we are destroying the green. He explained the first week they were there they went back into the woods and saw all kinds of wildlife. He said he and his daughter picked up all the trash in the woods. He explained the following year he had a baby fawn born in his backyard. He questioned if anyone else had experienced

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anything like that as it was the neatest thing. They have it on video. Mr. Corcoran explained he did not want to destroy that for his kids. He said he was an outdoorsman who hunts but the woods should be left. He said he has taken the boy scouts back there and got a badge for doing so. He asked that it be kept the way it is and there was no sense in building more back there.

Joe Agnew, 2488 North Knoll Drive, explained the first week he and family had moved in, he and his two brothers explored the woods and thought it was amazing. He said he has many fond memories in those woods. He said his point was you want to sell that land to build a park but he says that land and that forest is better than any park you will ever create.

Thomas Ali, 3713 Somerset Drive, said he moved to Beavercreek when he was about twelve years old. He was friends with Joe Agnew who just spoke and explained they would ride their bikes in the woods and explore back there. He said that is what young boys do and those were some of his best childhood memories. He said it is part of the neighborhood and part of his life. He said he did not think it should be cut down.

Jeff O'Guin, 2426 Spicer Drive, said he lives eight houses from the woods and because he is not within 500 feet he did not get a letter. He said the only reason he knew about this was because of one of the two men that came around and told him about it. His question that comes to mind is if there are people within about 1000 feet that would be here who did not get a letter how many more would be here tonight. Or 2000 feet or 3000 feet from that area. He said the other thing that he thought of that no one had talked about today was the development. He said he has been in Beavercreek since 1989 and knew about the land use plan which has guided us. He said he assumed that plan has changed as things change. He said the thing about that plan is that it reminds us that every time we add a home we add a need for the city to provide services - police, fire and other kinds of city services. He said he did not know if that had been considered in the original meeting two weeks ago. He felt that was an important consideration. He stated he would encourage all of Council to not sell this land back.

Council Member Giambrone MOVED to continue the public hearing and Council input of Ordinance 11-10 until the next Regular Meeting, seconded by Council Member Vann. Motion PASSED by unanimous vote.

Council Member Giambrone questioned if there was a need to table the ordinance so it did not go to the third reading. Mr. McHugh replied that by

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continuing the public hearing, the third reading has been moved. May 9th would be the continuation of the second reading and the third reading would be on May 23rd.

Council Member Giambrone explained with respect to the notice, we realized we had an error in the letter. She explained the notice was an additional step that was insisted upon be taken to ensure that everybody knew about the hearing. This was not something that was required; it was something that we felt was really important. She said while we are sorry we made a mistake in the letter she wanted everyone to know that we tried very hard. She asked in terms of the public notice was there any list of people that had said before that they wanted to be notified. She said sometimes people will call and say if there is ever an issue in their neighborhood they want to be on the list. She questioned if there was any list for this. Mr. McGrath replied there was not a list prior to this but would open it up to anybody who has a concern that may be outside the 500 feet. He explained with the Sunshine Laws, if you give provide a self addressed stamped envelope we will mail a copy to you.

Council Member Giambrone said that unless you live right there you do not have any access or parking. She had heard from several folks during the park master planning process that it was a piece of property that was sort of an island in and of itself and couldn't be used by anyone else. She questioned if this was an issue. Mr. Thonnerieux explained that when they look at the park service area and at existing property they want to have access to that property, good road frontage and good visibility so folks can get into the parks. He said it also serves as neighborhood parks and they want to be sure they are servicing the existing neighborhood.

Council Member Vann said she remembered all the residents and the big effort in the 90's to make sure that within Beavercreek we saved nature preserves. She explained she had children that grew up and had hours and hours of playtime in woods. She said as they have become young adults they have been saddened by some of those woods being cut down. She said she knew and agreed with the speakers who said woodland areas are of extreme value for environmental reasons, for clean air, wetland areas and natural preserves. She said she did agree with many of the residents that this was purposefully done to preserve a grove of trees. There had been talk about putting in a few paths and a few parking spaces on the north end because most people that would use a woodland area do not need to drive over there, they can walk or ride. She said she did remember and value what the residents had said.

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Council Member Wallace requested Mr. Thonnerieux to describe in detail for the citizens what the park review board developed the park master plan. She said she understood about the concerns over the acreage and the trees but the rest of the citizens don't get to participate in this. If we wanted to make it a true park then we would need to put in a way to get in there with parking spaces so that other citizens could partake on a woodland type of situation rather than a park with grass and swings. She said if that were the case her question to the park board and the citizens in the audience would be what's the view of having the land more accessible to the community. She also asked if there was a plan with the parks situation if it became more wet because of the rains if it killed off a lot of the trees, is there a plan that we would need to do anything else to it or do we just let them fall down. She questioned if people would be as happy with swamp land. The City of Beavercreek cannot afford to do mosquito treating, tree felling and those kinds of things. We maintain the parks but we do not maintain the woods. She asked Mr. Thonnerieux to explain what the park board does and the issues they look at. Mr. Thonnerieux explained the City of Beavercreek and Beavercreek Township just completed a park master plan which was fortunate because they were able to look at the entire community so they could see those unmet service areas and where there are existing gaps in services. He said one of the things that has to be considered is how is the City covering those neighborhoods and how is the City covering the entire community when it relates to large community parks. One of the things they realized in this example is that there are a number of small parks within that area that could be served by the residents. If they had another area that would be developed such as the 9.5 acre they would try and draw a more regional approach in trying to draw more people into that existing area since they were already covering neighborhood parks with that area. That existing service area of 9.5 acre would be relatively small if they were to try and draw additional residents from other areas into and provide parking for that service. This does create a little bit of a challenge.

Council Member Wallace stated her other concern is the property that abuts north of the 9.5 acres. She questioned if that was developmental property and would it eventually be developed. Mr. McGrath replied that it would. She asked Mr. McGrath to explain the limitations on the PUD and what can or cannot go in there. Mr. McGrath explained at one time there were condominiums scheduled to go in that PUD. He said the developmental opportunities for anyone who would purchase that land would be multi-family development or an option of office development. The residential development would be anywhere up to thirteen units per acre. The office side has a twenty-five percent open space requirement. He said those are the zoning allowances right now. There would be the extension of a public street to that property should this remain a park. He

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said the street would not connect through the park to Spicer Drive and would never be an option. A public road would have to be run as so not to isolate the 9.5 acres because the only access if is going to be a public park cannot be just from people's backyards or private development. There would be improvements to further advertise the park and make accommodations for everybody within the city to be able to utilize and access the park. Mr. McGrath explained one of the things that was part of the development options was the public road that would need to be connected in order grant public access through this project. It has some limitations on the development of the 11.5 acres to maximize the presence. Mr. McGrath reiterated the development would be multi-family or office space and if it did develop without the 9.5 acres being declared surplus it was fine. The City would work around that. There would be an extension of a public road that would go back there for public access.

Mayor Hadley asked Mr. McGrath to display the aerial view of the property on the overhead. He explained what portion of the property was being discussed. The acreage north of that property is owned by Mr. Huber. Mayor Hadley explained the acreage above the 9.5 acres is zoned for multi-family with thirteen units per acre. It is being considered to be reduced to six per acre. Mr. McGrath stated that Mr. Huber and his daughter were in the audience representing Huber Projects and they do have a vested interest and are not just letting this go through assuming it will be approved.

Council Member Wallace questioned if everything is developed above the 9.5 acres, to be fair to the citizens living on that property the City would do something to make it accessible. Mr. McGrath replied not necessarily. He explained any developer would be required to build a public road that would split the property in half which would put development limitations on the design of the project. They are not going to isolate the park if it is a park. It will be accessible to the public and accommodations would be made not only for the people who live there but also for people who want to visit. Council Member Wallace said that her point was there have to be compromises on both sides. There would to be concessions for those people living on the north side of the property as well as those citizens on the southern side.

Vice Mayor Jarvis said he appreciated all the comments that had been made. He asked for confirmation of the comment that the 9.5 acres was wetlands or potential wetlands. Mr. McGrath said there was no certification of wetlands at this time. Vice Mayor Jarvis said this was unique as it is City owned property and not privately owned property being developed. He explained he had a situation when he lived in Virginia where behind his property was a nice forested area with

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a little cemetery in the middle of it. The developer had promised him that the area would never be touched. He said he went back there five years ago and there is a highway back there now. He explained if you question developers or realtors they will tell you whatever they want to. You have to check with the City. Vice Mayor Jarvis commented about Mr. Keller's statement regarding the neighbor who considered herself a little person and that no one would listen to her. He said that was an unfortunate perception. He further said that was not the case and everyone's comment is important. No one is a little person. He requested the clerk for a copy of the 1999 minutes to verify if there was a promise made by the City Council at that time opposed to the realtors or developers comment that it wouldn't be developed. He stated if there was actually someone on City Council that said we will never do that then that would be a problem for me. He would check and see what was actually said back then. He stated again that he appreciates everyone comments and due consideration will be given when a decision is made.

Council Member Petrak commented is that this City needs desperately a very large park someplace that we can call our own with the possibility of putting in a community center like what the City of Kettering has. He said this is a vision that he has had for a long time and any proceeds from this land would go towards the goal of someday building a community center and maybe have a large park there too. He explained to put things in perspective, 35 years ago he had started his career fighting some potential industrial development in the north Beavercreek, New Germany-Trebein – North Fairfield area. Not too long after that they had some residential development in the Township, which at that time it was all Township. He said he was from the perspective of a resident who wanted the community to be good, healthy and a great place to live. In the 1980's he said he was the president of the North Beavercreek Neighborhood Association which served the area across North Fairfield Road from the Spicer Heights area. He said they were in the thick of the issue of the mall. He said you would not be surprised to hear that the North Beavercreek Neighborhood Association was generally negative about the mall. They did a lot of battling about it and presented their position many times before City Council. He stated he has had his wars there and his perspective has always been from the position of the small guy who owns a home here. This homeowner may not work here but wants to raise his family and do really good things here. Council Member Petrak said in 1992 he was elected to City Council largely because of the recognition he received from the work he did on trying to limit the mall's impact on us. He explained he was not saying this to brag and ask you for votes. He was saying this so it was understood where he was coming from. He said during that time he has had a few situations where we were able to defeat something which

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ultimately came back as a bad decision. He said if anyone would like to talk about that he would be more than happy to talk about it. He requested that the people from the Spicer neighborhood get together with the City's planning people to see if there isn't some middle ground where we can come together and reach an agreement. He said there is a need to communicate. He explained he had said this before about this piece of land that if the people don't go along with the sale, he will not necessarily support it and probably won't support it. He thought they need to have as much discussion and understand any long term negative effects that may occur. He said his plea was to get together and talk with staff and see if we can't come to some agreement. He said what we are ultimately talking about in his opinion is transition zoning. Transition zoning says we want things that are compatible to be next to each other when possible. If it is a little incompatible we can take care of that with barriers, mounds or open space. If it is very non-compatible such as housing versus malls or industry then we need big types of barriers. He said as we look at the transition, he thought the offer that was on the table, for what we would be willing to give up, is about as generous as he had ever seen. He felt there needs to be discussion to be sure that down the road ten, fifteen years from now, there are not any negative consequences. He said he was on their side, he hears you talking but said to not say no period. This was his suggestion as a man who has battled these fights many times.

Council Member Howard said many of her questions had already been answered. She appreciated everyone that had come out tonight to share their opinion. She explained she was looking for something that would be good for all the citizens and the community of Beavercreek. She said because you are residents right next to this area she was going to give their comments considerable weight. She said most of her issues deal with security in the woods and questions regarding the road. She said she was going to hold some of her comments and questions until they get a little further ahead. She stated that the Council reads every email they receive and hear every little person. She explained if you do not want to come up and speak in front of Council, to please find another media to get your comments to them. They do read them and pay attention to them, even if they can't respond to every one of them they are read and heard and we appreciate you being here.

Mayor Hadley commented that anything he would have said was already well said.

Council Member Vann said she thought Mr. Fechek's comment about the market value of this land was low. She asked staff to double check or justify the price.

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Mr. McGrath replied this was a fair market value appraisal done on the property. Council Member Van asked if it was the City's appraisal. Mr. McGrath replied yes it was ours completed by Mr. Moorehead at \$72,500 per acre. This was very similar to the appraisal used for parkland fee calculations for the Lofts of Willow Creek which is across the street from multi-family residential. He explained the office uses will be a little bit skewed on the high end given the fact that commercial property is sold for a lot more than residential properties. He said they would be happy to look into it but this number was based on an appraisal done by the City.

Council Member Giambrone stated their goal was to communicate which was why they went the extra step and sent the letter. She explained if anyone wanted to be on any list to please give us your email or a self addressed stamped envelope so that everybody knows that they have two weeks and they can come in and speak again. She wanted everybody to be heard and have an opportunity to speak.

Council Member Jarvis explained if you send an email that does become part of public record.

Mr. McGrath explained that the next meeting is May 9th and unless Council tells staff there will not be a separate mailing that will go out about the May 9th meeting.

Mayor Hadley stated this discussion would be continued at the next meeting on May 9th, 2011 at 6:00 p.m.

Resolution 11-29 ODOT Consent for the North Fairfield Road at I-675 Roadway Widening Project

Clerk Lampton read a Resolution giving consent to the director of the Ohio Department of Transportation to proceed with the North Fairfield Road at I-675 Roadway Widening Project; PID No. 85167.

Mr. Moorman stated there are two resolutions that are similar in nature. He explained in 2008 the Ohio Department of Transportation conducted a traffic safety study in the vicinity of North Fairfield Road and I-675. As a result of that study there were several recommendations made to improve traffic safety and traffic flow through the interchange area. After receiving those recommendations the City applied for grant funds to implement some of the recommendations. The first is the widening of North Fairfield Road which consists of a northbound right turn lane onto the northbound I-675 ramp, the reconstruction of the signal at the northbound ramps and the southbound ramp, the installation of overhead lane

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use signage and other minor improvements such as removal of a piece of fencing along the bridge to improve safety on the ramp. The funding approved for the project is \$898,920 with local funds of \$99,880. The construction for this project is scheduled for 2012. Mr. Moorman explained because the project is so close to the ramps, it is required that ODOT put the project to bid and run the construction project. The proposed legislation is essentially the agreement between the city and the state to delineate who is doing what and the funding for the project. He asked the resolution be approved so the project could proceed forward in the process.

Council Member Howard asked Mr. Moorman to discuss the design dates and when there would be potential construction on both. Mr. Moorman explained the Ohio Department of Transportation is designing the project for us. District Five has the capacity to do that work. The design is currently underway with plans being completed this fall and construction beginning in the early construction season of 2012. He explained there would be additional legislation when we would need to deposit our local share.

Council Member Howard confirmed the bridge design would be completed mid 2011 with construction potentially starting late 2013. Mr. Moorman stated the design had started to get underway. The design is funded 100% by the Ohio Department of Transportation. It is not costing the City anything for the design work. Construction is projected to begin late 2013 or early 2014.

Mayor Hadley questioned if they would be done simultaneously. Mr. Moorman replied the road widened would be completely quite a while before the bridge work. The bridge work will go on for a while because it is more involved. Mr. Moorman explained the bridge widening to will add a third lane for southbound North Fairfield Road over I-675 and meet into the existing pavement section just south of the northbound ramp. In addition, ODOT is going to have to lower a section of I-675 under the bridge. The reason for that is the bridge is super elevated where the bridge tilts to one side. When it is widened it has to be widened on the side that is lower. In order to keep the proper vertical clearance between the lanes of I-675 and the bottom of the bridge they will have to lower the highway a bit.

Vice Mayor Jarvis asked Mr. Moorman to explain the process of lowering the highway. Mr. Moorman said they will actually have to take out a section of I-675 and totally reconstruct a piece of the highway in order to get the proper clearance. Vice Mayor Jarvis verified that instead of raising the bridge they were going to lower the highway. Mr. Moorman said that was right.

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Council Member Petrak questioned why the widening needed to occur on the lower side of the bridge and not the higher side. Mr. Moorman replied it was due to the geometry of the roadway and the need to line up lanes from this bridge with the lanes on the bridge just to the north.

Mayor Hadley questioned how noticeable the lowering of road would be. Mr. Moorman said it would not be much because there is an existing bridge there. The exact length is not known yet because the design work is just getting started.

Vice Mayor Jarvis asked how long the part starting in 2012 would take to finish. Mr. Moorman replied it would probably take nine to twelve months. Vice Mayor Jarvis questioned how long the second portion starting in 2013 would take. Mr. Moorman said between one year to a year and a half.

Vice Mayor Jarvis questioned Resolution 11-29, section II, where the third sentence talks about the possibility of cost of added construction items being the responsibility of the city. He asked with previous projects such as this what are some examples of added construction costs that we had to pay for over and above. Mr. Moorman replied what they had run into in the past is if they had some kind of enhancement or some kind of special item that was not necessary to complete the scope of the work that was already planned out we would have to pay for it. Mr. Moorman gave an example of if we wanted a decorative feature or something of that nature it would be our responsibility because it is outside the realm of the transportation need. Vice Mayor Jarvis questioned that when we widen and re-deck the bridge would this widening create a widening of the walkway or was this purely for the traffic. Mr. Moorman replied this was purely for the traffic. ODOT frowns upon mixing the pedestrian traffic with interchanges because of the various movements and speed especially in this area. Mr. Moorman stated that we have the pedestrian bridge that will be to the west.

Council Member Petrak said when they did the bridge on North Fairfield Road going over U.S. 35 they had talked about putting a sign on the fencing that would say Beavercreek. He said they were told by ODOT that we could not do that and it was not allowed. Two years later towards Cincinnati they did exactly what we were told we could not do. Mr. Moorman recalled if you have a pedestrian walkway you have to have the vandal fencing. On that bridge we have the bikeway so we are required to have the vandal fencing. Council Member Petrak confirmed if we did not have the bikeway we could have put signs there. Mr. Moorman replied yes, the requirement for the vandal fencing is implemented when you have a pedestrian way. Council Member Vann commented when the

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fencing is in they will put a decorative treatment adjacent to the fencing and there could be both.

Council Member Howard MOVED to approve Resolution 11-29, seconded by Vice Mayor Jarvis. Motion PASSED by unanimous vote.

Resolution 11-32 Retail ODOT Consent Legislation for the North Fairfield Road at I-675 Bridge Widening Project

Clerk Lampton read a Resolution giving consent to the director of the Ohio Department of Transportation to proceed with the North Fairfield Road at I-675 Bridge Widening Project; PID No. 77920.

Council Member Wallace MOVED to approve Resolution 11-32, seconded by Council Member Giambrone. Motion PASSED by unanimous vote.

Resolution 11-34 Community Development Block Grant (CDBG) Application

Clerk Lampton read a Resolution authorizing submission of an application for FY 2011 Community Development Block Grant.

Mr. Beach explained this resolution was to approve submission of a Community Development Block Grant application to Greene County who administers our program. In the City of Beavercreek it is difficult to find eligible projects but we have been successful in utilizing the senior center as a source of those Community Development Block Grant funds. There has been a need identified in the parking lot that we hope to have ownership of shortly. He explained currently there is one pole lighting the entire area which is an old forty foot high shopping center pole from the 1960's. There have been various electrical problems and various dark areas in the parking lot. Staff felt it is appropriate to attempt to get funds to improve the lighting. He explained lower level lighting would be more conducive to the neighborhood and matching a modern facility. He said the grant application is for \$40,000 in federal CDBG funds with a match of \$20,000 in local funds. He said he hoped the operations agreement would then allow us to ask the Township for 50% of the local match thereby having a \$10,000 City of Beavercreek local funds.

Mayor Hadley asked Mr. Beach where the existing forty foot light was in the parking lot. Mr. Beach pointed on the map displayed on the overhead approximately where it was. Mayor Hadley commented that the current light must throw a lot of light into the neighborhood. Mr. Beach replied when it is working, that is correct.

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Council Member Wallace questioned when the plans were drawn up did they figure in the lighting with the whole building in mind. Mr. Beach replied the plan is such that if anything were to happen the wiring would be completed that it would not be affected.

Council Member Howard questioned if the Beavercreek Township also needed to complete the application also or do they need to provide a letter to the county for their support. Mr. Beach replied that we are the lead agency and we have shared the information with the Township Administrator. He said we are hopeful that as soon as the Township has a chance to discuss this that they will offer a letter of support and also a letter from the Beavercreek Community Theater as well. Council Member Howard asked if Mr. Beach knew when we would hear if this was approved and whether or not we will receive this grant. Mr. Beach replied the application is due on April 29th and they previously would have sent the grants in June per the schedule but there is a problem on the federal level with the funding and Greene County has been notified that the applications may not be sent forward until July. Mr. Beach explained everything we do is affected by the federal budget process when you are dealing with these grants. We will find out how successful we are in September-October timeframe and will then budget construction money for 2012.

Vice Mayor Jarvis questioned if the current light would be kept or torn down. Mr. Beach replied it would be demolished as part of the project. Vice Mayor Jarvis said from what he had heard in the past these types of senior center improvements are looked very highly upon by the group that judges these things. Mr. Beach explained we are competing countywide on this with a lot of good other agencies like Family Violence, Women's Shelter; there a quite a few good causes so competition is very tight. He said we also did get a grant last year so we may not be successful this year.

Council Member Petrak MOVED to approve Resolution 11-34, seconded by Council Member Giambrone. Motion PASSED by unanimous vote.

Resolution 11-35 Street Vacation – Old Shakertown Road.

Clerk Lampton read a Resolution authorizing settlement in Marianist Province of the United States vs. City of Beavercreek, Case No. 2010 CV 0901.

Mr. McHugh expanded that each Council Member had a resolution and a draft agreement of the terms. He said on the second page of the legal sheet of drawings marked the area of right-of-way that has been applied for in the Greene County Common Pleas Court by the owner of the property, the Marianist

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Province of the United States, to vacate. He explained the property is not used for right-of-way and is not anticipated for any future use and they have applied to the court for an order. Based on negotiations and discussions with them it is the recommendation that Council approve this and will vacate and may be developed in the future.

Mayor Hadley said this piece of roadway had not been used in quite a number of years. He believed when the bridge was built over I-675 in the 1980's is when this was vacated. Mr. McHugh replied that is why there is no basis for the City to make a claim because the City has no plans for the use of this in any foreseeable future. Mayor Hadley said the only use it could be used for is a roadway. Mr. McHugh stated that was correct, it is dedicated for roadway.

Council Member Vann clarified for the public that this is the parking parents use at Ankeney Middle School during ball games. Even though this parcel is owned by the Marianists it is actively used for parking by anybody for sports activities at Ankeney Middle School.

Council Member Giambrone mentioned that the City has broached this subject with the superintendent and the schools three or four months ago if not longer than that. Mr. McHugh stated it was over a year. Council Member Giambrone wanted everyone to be aware that the City's only interest in this piece was where the roadway used to be and it was up to the school to address. She was not sure if the schools had addressed this but the City did do their part to make sure those folks knew of this. Mr. McHugh stated from a legal perspective the City's only claim is whether we have a right and a use for this particular piece of land for a roadway. We do not.

Council Member Vann said she would support this resolution. She said she would move for approval of this resolution but she wanted to clarify to the public what they were talking about because she felt it was significant.

Council Member Vann MOVED to approve Resolution 11-35, seconded by Council Member Giambrone. Motion PASSED by unanimous vote.

Resolution 11-36 DARE Grant 2011-2012 School Year

Clerk Lampton read a Resolution authorizing the Police Department to apply for Ohio Attorney General's Drug Use Prevention (DARE) Grants Program Funding

Chief Turner explained this was a grant that comes up once per year by the state attorney general's office in regards to our supplemental police officer who is

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assigned to the DARE program. He stated this would pay for 50% of his salary for the nine months that he is in school teaching DARE to our students in the public school system.

Mayor Hadley asked Chief Turner to explain what DARE stood for. Chief Turner replied it stands for Drug Abuse Resistance Education and instructs kids of the dangers of drugs. It also talks about bullying and many other good things the kids should know. Chief said Officer Don Cole is our current DARE officer. He believed he was in his eighth year and the Beaver Creek Police Department has been doing DARE since 1990. He said Officer Cole does a great job and some of those here tonight could attest to some of his graduations that he has done in the past. He has a really enthusiastic attitude for a police officer to deal with the students and be in the classroom. Chief Turner says every year Officer Cole reminds him to not take him out of DARE because he really loves it. Chief Turner said it is really nice to see someone dedicated. He further explained they also picked up the private school, St. Luke, as well. They have been teaching at St. Luke's for three years. They do the public in addition to the private even though the funding is not there for private but they think it's important to get it out to St. Luke's as well.

Council Member Howard wanted to attest to Officer Cole and explained her kids grew up in the DARE program. She said she hears them talk about what they have learned in DARE. If you have either had a chance to go to a DARE graduation or a skating party, the kids absolutely have connected with Officer Cole. He is not just a mentor and an officer of our community. Council Member Howard explained in addition, his mother reads every one of the essays for each of the grades in each of the schools to help choose who is going to be first, second and third place for each of the grades. Council Member Howard said we also have talked about the people who give the cars for the DARE program. Chief Turner explained Dave Dennis has supplied a vehicle for the DARE program for the last nine years and within the last five years has also supplied a vehicle for the school resource officer. Chief Turner said both Jeeps would be on display at the open house.

Council Member Giambrone MOVED to approve Resolution 11-36, seconded by Vice Mayor Jarvis. Motion PASSED by unanimous vote.

CITY MANAGER'S REPORT

Mr. Cornell said residents would be receiving the spring edition of the In Touch in the mail this week. He said in your mailbox there was also additional information regarding the levy. All households would be receiving this information. Mr.

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Cornell had Chief Turner speak about the open house that was being held Thursday, April 28 from 6:00 p.m. to 8:00 p.m. Chief Turner explained they decided to have an open house in conjunction with Law Enforcement Memorial Week which was the second week of May. They had not had an open house in three or four years so they were opening their doors to the public to give them an idea of what they do on a day to day basis along with displaying equipment. They would have the regional response equipment, the armored vehicle, officers on hand to answer questions, demonstrations with the tazer and the K-9 unit. There would also be displays of the latest equipment the public works department uses. They would have demonstrations with the dui goggles where people would be able to use them and try to drive a golf cart. Chief Turner also mentioned the new on-line reporting system that they would be demoing for types of events that the public would like to report to the police but did not need an officer to come to the residence.

Council Member Giambrone mentioned that there was a Facebook page that was supporting issue 7 Beaver Creek Police Levy that folks can friend. She said one of the questions that she had received on Facebook was what steps had the police department taken to increase efficiency and effectiveness. She said some of the things she had cited were the joint software networking with the rest of Greene County which saved the City \$70,000 per year and the work with the Fairborn Court System to reduce costs. She questioned Chief Turner of other things. Chief Turner replied that they rely heavily on the volunteer program, COPP and within the last two years that have beefed up the program because they rely on their volunteerism heavily with special events, car crashes, vacation checks; all which reduces the overtime costs. Chief Turner stated they have cut back on their capital as well. There are no cruisers budgeted for this year which was something they try to do every year to stay up on the cars.

Mr. Cornell reminded everyone that next Tuesday, May 3rd is Election Day. He believed everyone within the last nine months had heard the importance of these levies to the overall operations of both the police and street department. The police's expiring levy represents approximately 50% of the operations of the police department. Issue 8 is a replacement levy for street maintenance representing 59% of the street budget. He stated it is very important to replace both these levies on May 3rd. He said he appreciates all the many opportunities that staff and Council has had to talk about the importance of these levies to our citizens.

MAYOR'S REPORT

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Mayor Hadley said Issue 7 & 8 are happening at the same time this year. He explained that this will not happen again for another 15 years. One is a three year levy and the other a five year levy. These represent 50% of the police budget and 59% of the street budget. We need this to continue doing the service that we are providing everybody and he thought they were doing really good job. He asked to please support seven and eight.

COUNCIL TIME

Council Member Howard asked to support Issue 7 and 8. She reminded folks this is what we need to continue the level of service that we have. She said it's not a wish list or things that we would like to have, these are necessities that we need to continue the services we have. Your support on issues 7 and 8 would be greatly appreciated. She thanked staff and everyone who worked so hard and diligent to make sure you cut where you could cut and you are using only what you need to get these issues complete.

Council Member Howard mentioned that Daniel Phillips recently completed his Eagle Scout Award which is a long eight year journey. He is now eighteen years old and just received his Eagle Rank. Congratulations to Daniel Phillips.

Council Member Petrak said Family Violence Prevention Center and the Chrome Divas are putting on a 5K run/walk on Saturday, April 30th starting at Beavercreek High School. If anybody is interested in participating go to www.ci.beavercreek.oh.us for more information or Channel 5. He explained the Family Violence Prevention Center is concerned about families in violent situations and the Chrome Divas are professionals to mitigate child abuse.

Council Member Petrak spoke of the levies and said this was not status quo. He explained the city is going to downsize people and delay procurement. He said things will not be like normal and they widdled down the cost to about \$43.00 a year for the average resident with a \$100,000 house which he thought was not bad. He said the good news about that is there is relief in the second year of this. He recalled two years ago the voters gave the fire department extra money in the amount of a 30% increase in revenue with the promise from the township trustees who run the fire department that next year they will not renew a current levy that is still in place. When that levy is not renewed that discount is about the same amount as the increase we are asking for here. He said it is a one for one trade off and in two years you will be getting a net of zero change in your taxes for security and roads.

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Vice Mayor Jarvis asked Chief Turner to discuss the prescription drug drop occurring this weekend. Chief Turner explained in conjunction with Nationwide Drug Enforcement Administration they will be collecting prescription drugs to dispose of properly. He asked that the drugs be taken out of the packaging and placed in a baggie. They would have a drop off point in front of the building between 10:00 a.m. and 2:00 p.m. with officers standing by so you will not have to get out of your car. They will not be accepting liquids or needles.

Vice Mayor Jarvis said The Rotary Club of Beavercreek would be having their annual pancake breaking this Saturday at the Beavercreek Church of the Nazarene from 8:00 a.m. to 1:00 p.m. The cost is \$5.00.

Vice Mayor Jarvis said we have all seen what the Beavercreek Police Department does for our community and in partnership with our community, they safeguard our lives and property and they enhance our quality of life. The levy is a good way to show our support. With regards to the street department, we benefit from what they do by providing us safe and efficient movement of motor vehicles, bicyclists, and pedestrians. He said we all saw this year how well they kept the snow cleared off and salt applied. He had heard from so many people that you could tell when you entered the City of Beavercreek because the roads were different from the adjacent communities. We all understand in keeping our city safe and maintaining our infrastructure are the two most important things a government could do. This is our main role that drives everything else in Beavercreek that we've all come to appreciate. Please vote for these two issues.

Council Member Wallace asked the citizens to support Issues 7 and 8. She explained it cost only \$40.00 last year to have the snow removed per household in Beavercreek. She said this was a pretty good cost for the excellent snow removal that had been provided by our street department. The police department responds to incidents quite quickly as they are there almost immediately when an incident happens at any of our businesses or malls. She said she is very proud of our police department for their response time.

Council Member Vann stated that April is Volunteer Month and is a time to celebrate all the people who reach out and help with non-profits, Beavercreek Parks and the COPPs. She said City Council had an opportunity to attend a celebration the Parks Board had on Thursday of last week to call out and celebrate some people who had done exceptional service for Beavercreek which is really valued. The number of things that they did, the people that stood up and the cheers were awesome. It's just proud to be in Beavercreek. We really do have a great community.

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Council Member Vann stated that we had a little bit of rain the last couple of days. She was aware that Mr. Cornell and the street department have had a few extra calls about storm water drainage. She said it is very concerning but it was part of being in a basin and the water drains through many neighborhoods in Beavercreek to get to a creek to leave. She wanted citizens to know that staff was working as hard as they could to problem solve why these issues are happening.

Mr. Cornell commented that this has been a very unique month with regards to the storm events. He said the engineering staff has done an excellent job in attempting to address every request that has come in to look at the drainage problems that have occurred. He said most of the issues have been in the older neighborhoods where many of the culverts date back to the developments in the 1970s or earlier. He said they are aware of those locations and he and Mr. Beach have discussed reprioritizing, if possible, some of our capital improvements efforts to address those areas.

Council Member Vann asked how maintenance issues for storm water is paid for. Mr. Beach replied storm water improvements have no dedicated source for funds in the City of Beavercreek. He explained when storm water improvements are associated with streets they use what limited street funds they can eek out that that have available to correct some of those situations in public right-of-way. Council Member Vann commented that it would be a benefit for people to support the levy because that is one of the sources they would have to correct this. Mr. Beach said this was one of the sources that go towards helping with the storm water problems. He said it was an underfunded area of the city but definitely without the levy they would be doing absolutely nothing in that regard. Council Member Vann explained this was an issue where it was one of the few sources of pots of money that they can use to remedy some of these issues. This was one more reason why supporting the street levy next week was very important. She said Mr. Beach and his staff have been very successful in writing grants for federal money. One of the ways to use the levy money was to pay the local share of those grants so they can get more for our money. It's matching funds for huge improvements for Beavercreek. Mr. Beach said Issue 8 does help with matching funds and anytime they can stretch our paving dollars that leaves some of those other dollars available to do some of the things that aren't available via grants.

Council Member Vann said that Beavercreek is a great community. We have a rule that Beavercreek has five officers on the streets at all times. This police levy

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is extremely important to continue the quality safety and security that we have in Beavercreek. She asked to please vote yes for Issues 7 and 8.

Council Member Giambrone said there is not much more to add regarding Issues 7 and 8. She said it has been widely endorsed by the Chamber, Women's League and about every group that she knew of in Beavercreek. She said it was unanimously endorsed by this Council. She felt folks knew how passionately they felt about it. She said even if it passes we will not have enough money to fix all of the issues that we have in terms of streets. She said somebody asked earlier what you would do with the park dollars. She replied there were \$54 million in the parks capital improvement plan that could be done so whether we choose that or not \$750,000 would make a dent in that and there are so many issues with streets and projects that we would love to do but we will never have enough money to do. She said one thing she said about this Council and staff is how well they prioritize projects. She said she often hears from people question when the City is going to fix something. She said we have to go with the things that are at crisis mode first and then we go to the things that we have funding for. She said it is a really thorough process so vote yes on both issues.

Council Member Giambrone said she attended the Easter Brunch at the Beavercreek Golf Course and wanted to thank everybody there. She said it is an extra thing they do to serve the community as well as a money maker for them. She thanked Steve Klick, Alicia Rizzo and Leslie Heller who put that on and did a fantastic job. She said they are taking reservations for Mother's Day Brunch at 320-0743.

UNSCHEDULED SPEAKERS

Michele Clevenger, 4074 Middlebrook Drive, said she is one of the flood victims they had been talking about. She explained she has a creek that runs by her house which is now a river. She said her house has been destroyed pretty much with her two bottom floors filled with water. She explained the road is caving in. The pipe underneath the road cannot carry the water because it has turned into a dam and is backing it all up into the houses. She said they are in a real mess. She said she has spoken with Mr. Beach and he said they are working on it. The surveyors had been out there looking at it today. She apologized for wearing a hat and explained that she is currently going through chemotherapy. Mayor Hadley apologized for her situation and said he had a basement full of water also. Ms. Clevenger said she had called the fire department which had made her situation worse because they shut her power off, causing her sump pump to quit working. She mentioned that insurance does not cover any of this.

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Sheila Adams, 4084 Middlebrook Drive, said the other part of the problem is sewage. She said her whole basement has been flooded with sewer water. She explained the toilet and the drain in her basement looked like a fountain with the sewage coming in. She stated insurance does not cover it all or very little for sewer water damage. She was sure others in her neighborhood had the same situation. She questioned if the City and Greene County should get together and discuss these problems. Mayor Hadley said it is the sanitary department of Greene County and not the City that has the authority. The City could encourage them to get these problems taken care of. Council Member Giambrone requested that Mr. Beach be in contact with Greene County to discuss this issue with these folks. Mr. Beach said they were already in contact with Greene County regarding the situation. Council Member Wallace commented that you can add water backup sewer and drainage to her homeowner policy. She said it is usually a higher deductible but there is a policy that covers this. She understood it was too late at this point but it was something that could be added for future.

Council Member Petrak MOVED to adjourn the meeting at 8:51 p.m., seconded by Vice Mayor Jarvis. Motion PASSED by unanimous voice vote.

Scott Hadley, Mayor

ATTEST:

Dianne Lampton
Clerk of Council
Cmin042511